



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Clean Technologies and Products

12. 05. 2016

Brussels,
GROW/C1/AC/elf ARES(2016)

Mrs Belen Balanya
Corporate Europe Observatory (CEO)
Rue d'Edimbourg, 26
1050 Brussels

By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-2791-bea1b87d@asktheeu.org

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2016/2068

We refer to your e-mail dated 17/04/2016 in which you make a request for access to documents, registered on 20/04/2016 under the above mentioned reference number.

Your application concerns the following documents.

- all correspondence (including email) since 15 December 2015 between the Commissioner for Growth and/or her cabinet and/or officials and representatives of DG Growth on one hand and representatives from BusinessEurope, CEFIC, Eurofer, the European Roundtable for Industrialists (ERT), The Alliance of Energy Intensive Industries, Gas Naturally, Center for European Policy Studies (CEPS), Eurelectric, Cembureau, ZEP (Zero Emissions Platform), RWE, Repsol, Shell, ArcelorMittal, BASF, IFIEC Europe, BDI (Federation of German Industries), the European Bioeconomy Alliance and/or Lafarge on the other, in which the issue of the review of the EU ETS Directive was addressed.

- list of meetings since 15 December 2015 between representatives of DG Growth on one hand (excluding the Commissioner for Growth and/or her cabinet and the Director General) and representatives from BusinessEurope, CEFIC, Eurofer, the European Roundtable for Industrialists (ERT), The Alliance of Energy Intensive Industries, Gas Naturally, Center for European Policy Studies (CEPS), Eurelectric, Cembureau, ZEP (Zero Emissions Platform), RWE, Repsol, Shell, ArcelorMittal, IFIEC Europe, BDI (Federation of German Industries), the European Bioeconomy Alliance, BASF and/or Lafarge on the other, in which the issue of the review of the EU ETS Directive was addressed.

- minutes of meetings listed above

Three documents have been identified as covered by the scope of your request.

Some of the documents to which you have requested access contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Fulvia RAFFAELLI

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.